

REMARKS/ARGUMENTS

Status of the Claims

Claims 1, 3-6, and 9-21 remain in this application; Claim 12 has been amended;
Claims 2, 7, and 8 have been canceled;

Applicant gratefully acknowledges the indication of allowability for claims 1, 3-6, 9-11, and 16-21.

Claim rejections under 35 U.S.C. § 102(b)

Claims 12-14 have been rejected as being anticipated by U.S. Patent No. 512,363 (Clarke), with the Examiner taking the position that:

The patent to Clarke discloses a holder for a paintbrush comprising a sleeve (B) comprising a plurality of sidewalls (C) and a base (b) with an aperture through which the handle (a) of the paintbrush is adapted to extend and wherein the sleeve is configured to substantially receive the body of the paintbrush in a nesting relation such that the aperture of the sleeve is in alignment with the handle. The only structure positively recited in claim 12 is the holder and the references to the handle of the brush being removable do not constitute a positive recitation thereof. The patent to Clarke also discloses an absorbent (claim 14) liner (f') having sidewalls and an aperture generally commensurate in shape with the sleeve (claim 13). (emphasis added).

In view of the amendment to claim 12, Applicant respectfully submits that the above rejection has been rendered moot. Claim 12 now positively recites a protective holder in combination with a paintbrush having a removable handle having an attachment end with a shoulder, a body having a handle receiving aperture, and an applicator.

This is not shown or disclosed in Clarke. Rather, the reference of Clark (U.S. Patent No. 512,363) discloses a paintbrush that has a non-removable, integrally formed handle.

Claim 12 also recites that the protective holder is retained on the paintbrush between

the shoulder of the handle and the body of the paintbrush as the attachment end of the handle is inserted into the handle receiving aperture of the body of the paintbrush that has been substantially received within the sleeve.

This is not shown or disclosed in Clarke. In Clarke, the receptacle "B" is attached by slipping it over the handle and partially over the body where it is retained by spring catches "g".

It is submitted that amended claim 12 is allowable over the reference of Clarke, and Applicant respectfully requests that claim 12 be allowed or, in the alternative, reconsidered and further examined. It is further submitted that dependent claims 13-15 are allowable for the reasons stated above.

CONCLUSION

On the basis of the foregoing amendments, remarks, and arguments of record, applicant submits that claims 1, 3-6, and 9-21 are in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case. Alternatively, if the Examiner is of the opinion that prosecution of the application may be expedited by a telephonic interview, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Customer Number

22854

Date February 25, 2004

Respectfully submitted,
For the Applicant
By his Attorneys,

MOORE, HANSEN & SUMNER
2900 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
Telephone: (612) 332-8200
Facsimile: (612) 332-1780
By: James R. Hakomaki
James R. Hakomaki
Reg. No. 35,037